

REMARKS

Please cancel Claims 1 and 5 without prejudice. Claims 2-4 and 6-16 are pending. Claims 2-4, 6-10 and 12-16 are amended herein. Support for the claim amendments can be found at least on page 26, lines 3-17, of the instant application.

Of the currently pending claims, Claims 4, 10 and 14 are indicated as being allowable under the conditions stated in the instant Office Action. Applicants thank the Examiner for indicating the allowability of Claims 4, 10 and 14.

Examiner Interview

On October 19, 2005, John Wagner and William Zarbis (for the Applicants) and Examiners Gilberto Barron and Minh Dinh (of the U.S. Patent Office) participated in a phone interview to discuss the 35 U.S.C. § 101 and 112 claim rejections cited in the instant Office Action. Applicants thank the Examiners for participating in the phone interview.

Double Patenting

The instant Office Action states that Claims 2, 4, 6-10 and 12-16 are provisionally rejected under the judicially created (nonstatutory) doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/245,172. A terminal disclaimer in compliance with 37 CFR § 1.321 is being submitted concurrent with the instant response, thereby obviating the double patenting rejection.

101 Rejections

The instant Office Action states that Claims 2-4 and 6-16 are rejected under 35 U.S.C. § 101 because the invention is directed to nonstatutory

subject matter. Applicants respectfully submit that, as amended, the basis for rejecting Claims 2-4 and 6-16 under 35 U.S.C. § 101 is traversed.

112 Rejections

The instant Office Action states that Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, specifically the instruction or code that causes a functional change in the operation of a device. Applicants respectfully submit that, as amended, the basis for rejecting Claims 1-16 under 35 U.S.C. § 112, second paragraph, is traversed.

103(a) Rejections

The instant Office Action states that Claims 2-3 and 6-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Der Vleuten et al. (U.S. Patent Application Publication No. 2002/0076043) in view of Spanos et al. ("Performance Study of a Selective Encryption Scheme for the Security of Networked, Real-Time Video").

Claims 2-3 and 6-9 are dependent on Claim 4, which has been amended to include the limitations of its base claim (Claim 1) and any intervening claims (there are none) and hence is in condition for allowance. Hence, Claims 2-3 and 6-9 are also allowable as being based on an allowable base claim, and so a discussion of the rejection of these claims under 35 U.S.C. § 103(a) is rendered moot at this time.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.


Based on the arguments presented above, Applicants respectfully assert that Claims 2-4 and 6-16 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 10/20/05



John P. Wagner, Jr.
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060